

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KAY STRATEGIES, INC., et al.,

Plaintiffs,

V.

UBIQUITY, INC., et al.,

Defendants.

CASE NO. 15-cv-2720-H-DHB

ORDER DENYING MOTION TO DISMISS AS MOOT

[Doc. Nos. 6 & 7]

13 On December 3, 2015, Plaintiffs filed this action, alleging violation of federal
14 securities laws and state-law causes of action. (Doc. No. 1.) On January 28, 2016,
15 one group of Defendants moved to dismiss the case. (Doc. No. 6.) On February 1,
16 2016, a second group of Defendants moved to dismiss the case. (Doc. No. 7.)
17 On February 12, 2016, Plaintiffs filed an amended complaint. (Doc. No. 8.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within 21 days after being served with a motion to dismiss. “[A]n amended complaint supersedes the original, the latter being treated thereafter as non-existent.” Valadez-Lopez v. Chertoff, 656 F.3d 851, 857 (9th Cir. 2011) (internal quotation marks omitted). Accordingly, the Court denies Defendants’ motions to dismiss the previous complaint on the ground that they are moot.

IT IS SO ORDERED.

25 | DATED: February 16, 2016

Marilyn L. Huff
MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT